

**TOWN OF MILLBURY
BOARD OF SELECTMEN MINUTES
MUNICIPAL OFFICE BUILDING- SELECTMEN'S MEETING ROOM**

July 23, 2013

7:00 p.m.

Present: Board of Selectmen: E. Bernard Plante; Francis B. King; Brian M. Ashmankas; Sandra J. Cristo; Mary Krumsiek; Town Manager, Bob Spain; Tom Reilly, *The Millbury-Sutton Chronicle*; Susan Spencer, The Telegram & Gazette; Edd Cote and other concerned citizens.

Animal Control Officer-Dan Chauvin spoke regarding having to give three citations and responding three time to an unrestrained large pit-bull at 5 Katherine Street. The neighbors are disturbed by the dog roaming free. He has spoken to the owner, Ms. Barbieri and she assured him she would restrain the dog; three times. This is not getting through to her. The dog is menacing the neighbors, but has not attacked them. He does chase them to their door. There is a 2 and 3 year old in this yard. Dan's recommendation is to fix the constraint problem- build what they can to retrain him or turn him over to the animal control officer. He wants to be proactive on this one so that it does not bite. Selectman King asked if 30 days was enough and if there was another call then animal control takes it over. Selectman Cristo asked if the dog was in the neighborhood long. She asked what kind of containment he recommends. He recommends fencing high enough to contain the dog. *see attached photos.

Jean Barbarieri-5 Katherine Street-owner of the 2 ½ year old pit bull. Her house had a chain link fence-now she has a 6 foot stockade fence. The dog is licensed, pedigreed and has all of his shots. The dog lifts the gate handle- she had a temporary fix made for her so the dog cannot push the door open anymore. He is a very good dog. She showed photos and had a letter from the person who did the fix-he will be changing the latch to make a more permanent fix.

Selectman King made a motion to have the animal control officer inspect the fencing; if dog gets out again taken into control if he gets out again; pay citations, seconded by Selectman Ashmankas.

Motion carried unanimously.

Ms. Augustine-4 Katherine Street- spoke regarding her run-ins with the dogs; both the pit bull and the 2 little dogs. They had told the owners to restrain the dog but they do not do it. They feel unsafe in their own house. This has been going on since June. Please do not wait on this. He is dangerous; he will hurt or maim someone.

Cindy Flynn- 4 Barbara Street- her property abuts Ms. Barbieri. She has 2 grandchildren 3 & 5 and the pit bull has been coming in her yard since May. She is in fear as well. Fortunately nothing has happened but she is afraid of the dog. Jean does not have the property restraint over the dogs. *see attached photos.

Dave Augustine- 4 Katherine Street- he lives in fear in his own backyard or walking the street in his neighborhood. He has been a letter carrier for 26 years. These dogs are out all of the time. She is not a responsible dog owner.

Selectman King said that we did order animal control to inspect the enclosure; and take the dog into custody if he gets out again.

Dan Chauvin said that when the dog is on his own turf he is lovable, but one of the main instincts in the dog is to expand his territory- when he is not properly retrained he perceives himself as the boss- now this is his territory.

Selectman King asked how he feels about the motion. He would suggest that Ms. Barbieri turns the dog over to him tomorrow and after she constructs the proper containment he will give it back. Ms. Barbieri said that she can close off the gate completely.

Motion to rescind the motion made by Selectman King, seconded by Selectman Ashmankas.

Motion carried unanimously.

Motion to turn dog over to animal control until she constructs the proper enclosure, citations are paid and boarding charges are paid, seconded by Selectman Cristo.

Motion carried unanimously.

We have received a recommendation by the **Planning Board** for the associate position.

Motion to appoint Jaime Dubey to the Associate Position of the Planning Board, seconded by Selectman Cristo.

Motion carried unanimously

Chairman Plante said that our Town Manager along with a consultant has been working diligently to negotiate a contract with MA Gaming & Entertainment LLC. Our responsibility is to negotiate the best Host Agreement that we can and the Legislature did a good thing by passing the bill to have the people of the town vote for this. The Manager will explain the agreement.

Presentation by Greg Carlin, CEO of **MA Gaming & Entertainment LLC** regarding their plan to put a 1250 slot machine parlor on McCracken Road in Millbury. See attached powerpoint.*

Mr. Spain explained the Host Agreement; see attached*

Mr. Spain thanked the MGE team for working with him; it has been long and involved, but it was a pleasant experience. He strongly urges the board to sign this agreement and pass it on to the ballot for the people of Millbury to decide if it comes to town.

Chairman of the Board of Assessors asked if the slot machines were considered personal property for tax purposes.

Selectman Ashmankas said that this is a huge decision for the Board but they are elected to be leaders of this town. He has spent the time to study this; he feels that they shouldn't pass the buck onto the people. He had many concerns about the project but the developers answered a lot of his questions; such as predatory gaming and impact on local businesses. We can expect about 1/6th of the revenue from the casino to come from a 5 mile radius. He sees this as the casino cash cow as an underhanded tax on the residents. Millbury cannot absorb the cost of new officers as well as the bigger cities can; it will cost the town a lot of dollars, roads, stormwater management;

would we need a full time fire department. The current plan is woefully inadequate- you cannot put more traffic on McCracken Road. He doesn't think they should sacrifice the wellbeing of the residents and urges the board not to vote for the agreement.

Chairman Plante said that he appreciates his remarks; the people will be able to ask questions at the public hearing on August 12th. He believes that the people of the town are intelligent enough and can make up their own minds and he wants to give them the opportunity to vote.

Selectman King said that one of his biggest concerns is the traffic. But he feels it is the obligation of the Board to let the people decide. Selectman Krumsiek said that the crime rate went down in Pittsburg after the casino went in. Selectman Ashmankas spoke to the Des Plaines Deputy Chief who said his crime rate did not go up dramatically. Mr. Spain said that the inside of the building is policed by the State Police and they have their own security team as well.

Attorney John Giorgio pointed out that section 5 of the host agreement addresses this problem. They would have to come up with measures to address an increase in crime.

Mr. Spain said that it is in their best interest to solve any traffic issues.

Selectman Cristo said that she is not taking a position either, but the traffic issues will be addressed by the planning board.

Motion made by Selectman King to sign the Host Agreement with MA Gaming & Entertainment, seconded by Selectman Krumsiek. Selectman Ashmankas asked for a roll call:

Selectman Krumsiek- yes

Selectman Cristo- yes

Selectman Ashmankas- no

Selectman King-yes

Chairman Plante-yes

Motion carried 4-1 (Selectman Ashmankas opposed)

The Board signed the host agreement

Motion by Selectman King to set the Town election to authorize the operation of the gaming establishment licensed by the Massachusetts Gaming Commission for September 24, 2013, seconded by Selectman Krumsiek.

Motion carried 4-1 (Selectman Ashmankas opposed)

Rob McNeil- DPW Director – the numbers are in for the transfer station- with all of the public hearings regarding the SMART program- we have seen a drastic increase in recycling.

Parks- he was proud to get his staff involved in the reconstruction of Woolie World-hats off to parks department for the upkeep of the little league field. We were able to host the little league district state quarter finals and finals again.

Many issues regarding double poles- we have 32 outstanding double poles in town. We have coordinated with all utilities. It is now in Charter's court to move to new pole. Verizon owns the poles in town, once everything is moved they will schedule removal.

Construction bids are out and are due back July 31st. Finished work at the Butler Farm driveway and Appletree Drive. Looking to fix some ada ramp projects downtown and in the Grove Street area. Drainage improvements for Carleton, Stowe and Auburn Rds with intent of reconstruction. Looking at slip lining a corrugated pipe between Elmwood Street & Shaw Schools for utilities. Selectman King asked about round pond- They have an unfunded design for the wall-they investigated a leak there.

Fence around Singletary- have a 2nd quote and it is not a cheap job; it is a lot more than they anticipated.

Verizon is up at Rayburn Dr. reconstructing driveways- he has looked at a couple but have not been asked to inspect to sign off. All reports are that they are doing well.

Selectman Ashmankas asked about the catchbasins on Riverlin St- they have been out clearing and cleaning the catchbasins. With the rainfall we have experienced it is hard to avoid some flooding.

Pond on either side of railroad Ave- there is a lot of trash. We have reached out to the sheriff's department and they have had scheduling problems. They do have a plan to have all the roadside trash picked up by the prisoners.

Fred Mosely- Chairman of the **Roadway Advisory Committee**- in 2010 we gave an update on the pavement management system that was developed by CMRPC who rated our roads at 70.5 (on a 0-100 scale) which is a fair range, their software looked out 5 years and estimated that if the Town spent no money on the roads the overall condition would go down to 50.8 and it estimated it would cost \$4.1 million to fix all roads in 2010. With the roads that we have fixed our rating in 2013 only went down to 70- which is really good; and the estimate to fix all of the roads went down to \$3.6 million. It gives us a roadmap or guideline of where we can get the most from our money. They are looking at Howe Ave-River Street- Wheelock Ave near Grafton Road and Appletree Street is done.

The governor has cut our Ch. 90 money in half so we have work within that budget. We are looking out to maybe contract out streets as some other towns have done. We are partnering with Auburn to fix Gilbert Way.

Previous Minutes:

Motion to approve minutes of the meeting for July 9 2013 made by Selectman King, seconded by Selectman Cristo.

Motion carried unanimously.

Town Manager Report:

Appointing Ryan King as part time custodian at the Senior Center upon his acceptance of the position.

Motion to concur made by Selectman Krumsiek, seconded by Selectman Ashmankas.

Motion carried 4-0-1 (Selectman King abstained).

Appointing Todd Sprague as constable.

He will be sending out reminder letters to all constables to adhere to the MGL regarding fees.

Motion to concur with appointment made by Selectman Krumsiek, seconded by Selectman Ashmankas.

Motion carried unanimously.

They are going through the police contract to clean up the contract such as grammar and spelling errors, so it does take a lot time. The Union President has presented her changes.

Highlights- 3 year contract 1; 2; 1 ½. This mirrors the signed teachers' contract. Slight changes to the requirements in the physical program; made some changes that the chief requested as to who gets appointed acting sgt. or acting chief and provisional. Changed the number of hours in a 24 hr. period; took out the word consecutive; 2nd year of contract agreed to increase uniform allowance. This was the fastest agreement made with the police; it went fairly smooth. He would ask the board to approve the terms to show good faith and he will bring back the actual contract at the next meeting.

Selectman King asked what changes were made in the physical ability part. Some run times only changed; allowed every other test they have to run ¼ mile within a certain amount of time; every other was the 2 mile; Chief Howell is on board with this.

Motion to approve the concept made by Selectman Ashmankas, seconded by Selectman Krumsiek.

Motion carried unanimously.

Negotiations with DPW not going so well- have another meeting on August 5, 2013.

Ron Desantis is filling in for building inspections up to 19 hrs a week and Bob Blackman is filling in on Friday; hopefully we can keep up with what needs to.

Mr. Spain gave the board a redacted copy of the hearing officer's ruling on the O'Connor case.

Update- Safety committee met but there are not enough members at this point. Please contact our office if you are interested.

Mail

Letter from Laurie Connors regarding a donation from Don Rajotte for \$500 for use at the dog park. He wants it to be 2 acres not 1.5 acres.

Motion to accept the donation made by Selectman Ashmankas. No second.

Selectman King asked to bring it to the Butler Farm Committee before the board accepts the money to see if they are ok with 2 acres.

Letter from Bob Spain regarding donations in memory of Stephen Oles.

Motion to accept the donations made by Selectman Ashmankas seconded by Selectman Cristo.

Motion carried unanimously.

On a Good Note

Selectman Krumsiek said that from Troop 110 Adam Burdzel did his Eagle Scout project sprucing up the library entry- it looks beautiful.

Citizen Speak

Lisa Weeden and Mrs. Watkins are here to ask for the town to pave Wedgewood Lane.

Showed photos. *attached.

Mr. McNeil said that they the RAC is well aware of Wedgewood Lane. It was added to the discussion and has risen to the top of the reconstruction list- it has Auburn Road, Stowe Road and Carleton Road. Those roads carry much more traffic than Wedgewood. It would entail a total reconstruction- they are committed to get it done. It comes down to funding- we can only do as much as we can afford. Selectman King asked if we can fill some of the holes. Sure-they have done similar types of efforts at Gilbert Way; but they will try it.

Mr. Fran DeSimone: Spoke regarding the fee at the transfer station to dispose of furniture. He is disappointed in the board for allowing the fee.

Chairman Plante said they are looking at it next year.

Adjournment

Motion made by Selectman King to adjourn at 9:40 p.m., seconded by Selectman Krumsiek.

Motion carried unanimously.

Respectfully submitted,

Tish Hayes, Secretary

E. Bernard Plante	_____
Francis B. King	_____
Brian M. Ashmankas	_____
Sandy J. Cristo	_____
Mary Krumsiek	_____

The Board of Selectmen